

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 15TH OCTOBER 2007 / 23RD ASWINA 1929

WP(C).No. 31523 of 2006(C)

PETITIONER:

**K.J.FELIX, S/O.JACOB,
AGED 57 YEARS, KATTIPARAMBIL HOUSE,
THEKKE THAMARAPARAMBIL, FORT KOCHI.**

BY ADV. SRI.K.C.ELDHO.

RESPONDENTS:

- 1. S.SARASWATHY, AGED 50 YEARS,
W/O.MURUGAN, HOUSE NO.CC V/903,
G.K.AVENUE ROAD, KOCHI-02.**
- 2. K.MURUGAN, S/O.KRISHNAN ACHARI,
HOUSE NO.CC V/903, G.K.AVENUE ROAD,
KOCHI-02.**
- 3. CORPORATION OF KOCHI,
REPRESENTED BY SECRETARY, ERNAKULAM.**
- 4. ASSISTANT EXECUTIVE ENGINEER,
CORPORATION OF KOCHI, ZONAL OFFICE,
FORT KOCHI.**

BY ADV. SRI.M.K.CHANDRAMOHAN DAS,SC,COCHIN COPN.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

M.N.KRISHNAN, J

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W.P.(C) No.31523 OF 2006

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Dated this the 15th day of October 2007

JUDGMENT

This writ petition is preferred against the order of the Prl.Munsiff's Court in I.A.No.1595 of 2006 in O.S.No.103/2006. The court below found that there is no bar and held that Section 544(2) of the Kerala Municipality Act enables the plaintiff to file the suit without notice or bar which is embodied in Section 544(1) of the said Act. I am informed that the suit has been disposed of and the matter is now taken up in appeal before the appellate court. Leaving open the right of the present writ petitioner to challenge regarding the maintainability of the suit in the appeal, the writ petition is closed.

M.N.KRISHNAN, JUDGE

Cdp/-